Texas Instruments logo
TEXAS INSTRUMENTS

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March 31~~25~~, 2003

Rebecca Kane
Environmental Protection Agency
Office of Enforcement and Compliance Assurance MC 2222A
1200 Pennsylvania Avenue NW
Washington, DC 20460

Reference: Enforcement and Compliance History Online Web Site (ECHO)

Dear Ms. Kane:

Texas Instruments (TI) appreciates the opportunity to provide comments on ~~the~~ EPA's new Enforcement and Compliance History Online (ECHO) website. While TI supports EPA's commitment to providing the public assess to environmental information, ECHO in its present condition does not support that goal. A tool such as ECHO can only be useful if it contains accurate and complete information. At this time, despite receiving formal notification of the many errors, EPA has released the ECHO database even though it still contains such numerous errors. Inaccurate and incomplete information is misleading to the public and may needlessly raise public health concerns. TI strongly requests that EPA remove the database until EPA corrects the errors already made known to EPA, makes the embedded data retrievable and complete, and establishes an effective system for correcting errors that may arise in the future. If EPA is unwilling to remove the database until it is corrected, then at the very least EPA must ~~TI further agrees with EPA making this information available on the internet.~~ ~~In general, we~~ TI ~~believe's~~ that ~~the~~ a database~~, such as ECHO,~~ ~~can be a useful resource for public information as long as the data is correct and easily understood. We completely support the availability of the information on the web.~~

~~Our greatest concern is that inaccurate data continues to exist on the database, potentially raising health concerns among the general public.~~ ~~March 31, 2003[date]~~~~The error reports we have submitted have not been corrected.~~ prominently note within the database itself and next to each company's name that a formal notification of errors has been submitted and that the information currently contained in the database has not been confirmed to be accurate and is subject to change.~~We feel that the database needs to be removed until the information is corrected or clearly marked that known inaccuracies have not been corrected.~~

Specific Questions from the Federal Register

1) **Does the site provide meaningful and useful information about the compliance and enforcement program ?** ~~**[I am not sure what this is asking and I am not entirely clear what we are trying to say in our response--see if this is clearer]**~~

No, ECHO does not provide meaningful and useful information because at this time the database contains substantial errors and gaps in general program information. In addition to promptly correcting the known errors, TI suggests that EPA provide links to the much more robust information about ~~We believe that adequate information exists about~~ EPA's compliance and

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enforcement programs that exist on web pages outside of the ECHO search site. Users should be able access the links to~~EPA should provide links to the~~ these additional resources directly from the facility summary sections in the ECHO database ~~itself. We believe the ECHO tool would be much more accurate and informational, if, in addition to providing the summary information about the compliance history of each facility for each program, EPA also provide links to the many additional resources available of the EPA website that explain the particular programs. While information about the programs is available in other locations, it would be more useful to have this information available on the screens which contain the facility search results.~~ This would give the viewer a much more complete picture of the meaning of the data contained in ECHO, improve communication and understanding, and minimize incorrect assumptions about the data.

2) Is the site easy to navigate ?

~~We found t~~The site is ~~to b~~~~generally~~ ~~e very~~ user–friendly and easy to navigate.

3) Does the help text adequately explain the data ?

TI suggests that the help text is not yet complete in its current form. The help text is important to educate and communicate information about the data which is being reviewed. It should be available from the Detailed Facility Report Screen and all others, if possible. To adequately inform the general public, ~~T~~the help text should start with a very simple explanation of the program in question, contain links to more detailed program information and then provide the meaning of the terms and acronyms used in the ECHO summaries. At this time, the help pages do not contain enough general program information and certain of the compliance designations appearing on the facility summary pages are not defined in the help pages.

In addition, either in the help pages or prominently displayed elsewhere, EPA needs to include an explanation of the source of all of the information contained in the database along with a mapping of those sources as explained in more detail in the responses below. For example if a violation appears next to a company name, EPA should provide a link to the explanation of sources where the user can determine exactly where the information was obtained (e.g., a state agency ~~CAA~~ enforcement database).~~, then provide the technical details. To inform the general public, there should be attached information on what the information means, vocabulary, and acronyms at a minimum. There are still terms and acronyms contained in the data that are not explained in the help pages.~~

~~This point was noted in 5b, which Courtney deleted. I have added it back.~~

~~Perhaps we should add a sentence at the end of your response that notified EPA that there are still terms and acronyms contained in the data that are not explained in the help pages and we request that EPA continue to improve the database to fully explain all of the information]~~

4) What additional features, content, and/or modifications would improve the site ?

<u>**Error Corrections**</u>

EPA must provide an effective system for correction of errors. The current system does not appear to be effective. Also, such a system for correction of errors must continue to be available to correct errors in information posted to the database in the future.

In accordance with EPA's instructions, between December 8 and December 12, 2002,~~on [date of original internet notice of errors submitted by TI]~~ TI submitted ~~a~~ formal notification of errors contained about multiple TI sites on the current ECHO database. Those errors have not been corrected nor has TI received information on how and when such corrections will be made by EPA. EPA should remove the ECHO database until such errors are corrected, or at the very least must prominently display next to TI's name a statement such as "~~A flag or significant marking should be placed on the specific data which has had an error report submitted. A statement such~~

~~as~~ a formal notification of errors has been submitted -- the information currently contained in this facility report has not been confirmed to be accurate and is subject to change." ~~"Comments have been submitted regarding the accuracy of this information" is suggested.~~ ~~For significant errors such as a report of non-compliance, our~~ TI's surrounding communities and business customers need to be informed that th~~is piece of~~e data may be incorrect and is subject to change. Otherwise,~~. Great~~ needless public concern about ~~public~~ health issues or damage to TI's~~negative company environmental performance~~ reputation can result ~~from the release of incorrect data~~. For these reasons, TI strongly requests that EPA promptly correct the errors.

In addition to resolving the errors that have already been identified, EPA should provide an ongoing effective process for notification and correction of errors for information posted to ECHO in the future. In all communications we have seen to date, the capability to easily correct data problems will expire on March 31, 2003. ~~Since our corrections are still not on the ECHO website, it is critical that this function continue to exist.~~TI asks that EPA improve and make effective their current system concerning errors and that this process be ongoing after March 31, 2003 to address any new errors that may be posted to the site. This ongoing error correction process should include a mechanism for noting when an error report is submitted by placing within the facility report a statement such as: "a formal notification of errors has been submitted -- the information currently contained in this facility report has not been confirmed to be accurate and is subject to change."

Data Links

TI is unable to identify where EPA has obtained the information collected in the ECHO database. TI asks that~~The~~ EPA ~~should~~ identify in detail all sources of information and electronic systems which transfer data to EPA, including sources from the states, and provide ~~automatically input data, and~~ the schedule at which these systems transfer data to EPA systems. Such d~~Data~~ source mapping should be made available on the ECHO website so it may be viewed by all interested parties.~~to both State agencies and the regulated community.~~

TI believes that such data source mapping will result in a much more efficient system for identification and correction of inaccurate and incomplete information on ECHO. Since much of the information comes from state agencies that implement the various federal environmental programs, facilities will be able to go directly to the state or other source and work with it to rectify inaccuracies. ~~With information about what databases and specific data points are used from both Federal and State systems, industry could perform quality control checks on the information, and provide faster corrections of the source data. The state agencies would know what specific information needs correction. A better solution would be to automatically notify a company's primary contact person when data transfers occur.~~ For example, TI has reported to EPA that there is ~~One of our manufacturing sites shows~~ an erroneous designation of "Non-compliance (Violation)"~~for 8 quarters~~ at one of its facilities. As far as we can determine based on the limited information provided by EPA, this particular error occurred in the transfer of information from the State of Texas to ECHO. ECHO incorrectly processed some of the information from the State and automatically labeled TI in non-compliance for failure to timely file required reports. In fact, TI submitted those reports on time to the State of Texas. After the State received the reports, the State entered the information into its database. In the transfer of the data from the State to ECHO, it appears that ECHO captured the date the State entered the data into its system instead of the date TI actually submitted the reports and automatically labeled this as a non-compliance for late filing. This example shows that there are still some gaps and disconnects between the sources of data and what is reported on ECHO. ~~because of a problem in the state database.~~ – If EPA identifies and maps the data sources as requested, we believe such gaps and inaccuracies can be remedied much more quickly and efficiently.~~The state (Texas) has had great difficulty determining what data element ECHO is using.~~

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Search Functions

The search engine ~~is~~ does not provide accurate information when the minor facility box is ~~checked~~ used. A search for "Texas Instruments" returns "Texas State Technical College" ~~,~~ and three other locations never associated with Texas Instruments, ~~as well as~~ along with Texas Instruments facilities.

~~At the very bottom of t~~The "Search Results" screen, under *Search Criteria, facility characteristics* is a box that always states Active/Operating:Y ~~This is not correct.~~ Currently, ~~Approximately~~ 50% of the sites listed as active for Texas Instruments have been sold, closed, or were never owned ~~belonged to~~ by Texas Instruments. A mechanism for correcting the ~~ECHO~~ database concerning ownership changes or facility closures ~~needs to~~ should be added. ~~We suggest an overriding qualifier for each facility declaring it's status as active, inactive or closed.~~ The database should be enhanced to allow for a description of a site's status, such as active, inactive or closed.

~~The searches by industry code should be done using the NAICS rather than SIC.~~ The NAICS codes were developed to better describe business segments. EPA should consider using the NAICS codes rather than SIC codes.

Other

The database should allow the input of an overriding contact point for the subject company. The contact information available through the links in the database is often old, invalid, or not the best contact person for a general inquiry. This would be particularly useful for closed facilities.

The dates of purchase or sale of a facility is not listed. In many cases, the ownership of a facility cannot be determined. General facility information should be added that clarifies ownership and status, such as closed, vacant, demolished, date sold and current owner.

~~TI believes that the TRI information currently contained on ECHO does not provide enough information to users. For example, I~~in coordination and direction from the EPA, Texas ~~Instruments has focused significant amounts of effort and energy on reducing the amount of TRI chemicals used in our its manufacturing operations.~~ The current process of directly linking to the TRI database does not provide enough help and understanding of the data for the ECHO user. TI suggests that EPA include on the ECHO help page a summary of what the TRI program is, who must report, how chemicals are added and removed from the TRI list, and what the vocabulary means. Otherwise a link only to the TRI database is not helpful to the ECHO viewer. For example, in coordination and with direction from the EPA, Texas Instruments has focused significant amounts of effort and energy on reducing the amount of TRI chemicals used in its manufacturing operations. Over the 13 years of data shown for one TI facility, at least 8 chemicals are new additions. The database shows NR (not reported) for early years, then reported quantities. Without any explanation, the ECHO user would assume the reason the chemical appears is that TI increased usage of the chemical. The correct message is that the EPA added the chemicals to the reporting list, and that is why they appear on the report. ~~Showing only a summary of the total chemicals used for the past reporting year does not provide an accurate context and does not show that such improvements have been made. TI suggests that EPA include in the help pages additional information and explanation of the TRI program. In addition, EPA should provide~~Providing information about the history of ~~chemicals added or subtracted from the company's~~ TRI lists ~~over the past five years. This~~

~~will inform the user about the TRI program itself and will provide the user with~~would pr~~information about how the company and EPA are meeting the~~ovide performance ~~information toward EPA goals for the company, and industry in general~~goals. ~~Currently, the database contains only information from the TRI itself, with no explanations and information. Help text as suggested in question # 3 should be added.~~

5) **For members of the regulated community:**

    a.   **Were your facility reports accurate ?**

No. Texas Instruments is *incorrectly* listed for ~~significant~~ non-compliance (or in Violation) or significant non-compliance for 3 of our facilities. We have followed EPA's process and have filed a formal notification of errors. The errors have not been corrected despite the fact that EPA released ECHO with no explanation of pending error corrections. The release of such incorrect information needlessly results in public concern and damage to TI's reputation.~~We feel that significant damage to industries' image and public health concerns can occur when incorrect information is released to the public.~~

In addition to the incorrect non-compliance designations, there are many other errors TI specified in its notification of errors including:~~Approximately 10% of the data is in error. This can be as minor as~~ incorrect addresses;~~ and as major as violations listed where there are none or~~ incorrect ownership information; ~~—~~

~~T~~the active/operating (search criteria) flag is always set to Yes, even though many listed TI ~~the~~ facilities have been closed or demolished for many years; ~~—~~

~~T~~two sites appear to have identical compliance history information provided for one of eight quarters in an ECHO search, yet one site is shown as being in compliance while the other site is not~~. Having information on the data source would help in identifying the error.~~., and;

~~O~~on a wastewater only search, only two TI sites were shown to have~~had~~ storm water permit numbers ~~listed~~even though TI has several other sites with such permits~~, while other TI sites with storm water permits, had no permits listed. A mechanism should be added to correct this error~~. These errors need to be corrected and an ongoing mechanism needs to be provided to correct errors that may arise in the future.

    b.   **If you did need to submit an online error report, was the error reporting process easy to use ?**

Although the ECHO error reporting process was very easy to use and the confirmation and response was timely, identification of the source or basis of the ~~actual~~individual datum~~s~~ was difficult and ~~identification of the actual violation was very difficult~~no action has been taken to correct the errors. As stated in more detail in other responses above, TI asks that EPA note on the database that error correction is pending, identify the various data sources and provide an ongoing correction of errors process that is efficient and results in correction of errors in a timely manner.

Texas Instruments appreciates this opportunity to comment on the ECHO database. If further information is needed, I can be reached at (972) 927-3163 or by email at sueross@ti.com.

More specific information is needed in order to identify the source of the error, causing the database to report a violation. The description is too broad and basic – information about the specific information source, listing the EPA or State database used and the specific data element, is needed. The code tracing, explanations of the codes and the references are very difficult to understand.

Regards,
Sue Ross-Whitesell
Environmental, Safety and Health Services
Texas Instruments Inc.

Although the error reporting was made in January 2003, the database has not been updated as of March 25th. Again, our greatest concern is that inaccurate data continues to exist on the database, potentially raising health concerns among the general public.

If you have any questions, please do not hesitate to contact me at 972-927-3163, or sueross@ti.com

Sincerely,

Susan Ross-Whitesell
ESH Information Services
Texas Instruments Inc.